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GENERAL COUNSEL

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Before the State of South Carolina
Department of Insurance

In the Matter of:)
)
William G. English,)
)
117 Applewood Lane)
Spartanburg, South Carolina 29307)
_____)

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE
File Number 103215

Consent Agreement

This matter comes before me pursuant to an agreement entered-into between the State of South Carolina Department of Insurance and William G. English, a licensed State of South Carolina Resident Insurance Agent.

After my review of the record before me, I hereby find as fact, that Insurance Agent English failed to timely pay the year 1999-2000 annual \$8.50 fee required for the operation of the continuing insurance education administrator. Insurance Agent English acknowledges that he did not timely pay the required fee on, or before, the May 1, 2000 date set by the continuing insurance education administrator and the Department of Insurance. However, despite this admission, Insurance Agent English contends that his failure to pay that fee resulted only from inadvertence and oversight and did not result from any intent to avoid the requirements of the law. He further contends that, although he did not meet the May 1st payment date, he did pro-actively pay the required fee on June 12, 2000, prior to the initiation of any administrative investigation by the Department of Insurance. Insurance Agent English's failure to meet the May 1st administrative deadline, nevertheless, is an act that can ultimately lead to administrative disciplinary action against his license to transact the business of insurance as an insurance agent in this State, following a public hearing before the State of South Carolina's Administrative Law Judge Division.

Prior to the initiation of any administrative disciplinary proceeding by the Department of Insurance against him, Insurance Agent English and the Department of Insurance agreed to submit this entire matter to me, along with their specific recommendations, for my summary decision, rather than to proceed toward a formal public hearing. That consensual recommendation was that, in lieu of the Department of Insurance seeking to revoke Insurance Agent English's State of South Carolina Resident Insurance Agent's License, he would waive his right to a public hearing, and he would pay an administrative penalty in the total amount of \$250.00.

S.C. Code Ann. § 38-43-106 (D) (Supp. 1999) makes insurance agents "responsible for payment to the continuing education administrator of a reasonable annual fee for operation of the continuing education program." By Regulation, that fee must be paid on, or before, a date set by the continuing insurance education administrator and the Department of Insurance. 25A S.C. Code Ann. Reg. 69-50, § VIII (Supp. 1999). S.C. Code Ann. § 38-43-130 (Supp. 1999) states, in

WE William G. English

pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent...has violated this title or any regulations promulgated by the Department."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude, as a matter of law, that Insurance Agent English has not complied with the language of S.C. Code Ann. § 38-43-106 (D) (Supp. 1999) and 25A S.C. Code Ann. Reg. 69-50 § VIII (Supp. 1999). As a result, I can now take administrative disciplinary action against his State of South Carolina Resident Insurance Agents' License. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 1999), and after carefully considering the recommendations of the parties and both the lack of any intent to violate any insurance law by Insurance Agent English and his pro-active payment of the \$8.50 annual continuing insurance education administrator fee prior to the initiation of this matter by the Department of Insurance, I hereby impose an administrative penalty in the total amount of \$250.00 against Insurance Agent English. That penalty must be paid within ten days of the date of my signature upon this Consent Agreement. If Insurance Agent English does not timely pay the total amount, then his State of South Carolina Resident Insurance Agent's License will be revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department of Insurance having never taken any administrative disciplinary action against Insurance Agent English on this, or any other matter, before; as a result of his good faith, pro-active attempt to comply with the fee payment provisions after the due date and before any regulatory notice of late compliance; and as a result of his assurances that, in the future, he will comply with all State of South Carolina insurance laws, particularly the timely payment of all future continuing insurance education administrator fees. The parties expressly agree and understand that Insurance Agent English's payment of the agreed-upon penalty constitutes a full accord and satisfaction of all matters of fact and issues of law arising from, or contributing to, this matter and that this Consent Agreement will ensure that Insurance Agent English's State of South Carolina Resident Insurance Agent's License and all insurer appointments will not be non-renewed, but will remain continuously effective through the year 2000 biennial insurance agents' licensing period.

By his signature upon this Consent Agreement, Insurance Agent English acknowledges that he understands that this agreement is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this agreement should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this agreement should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this agreement should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

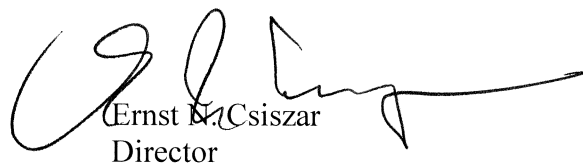
 William G. English

It is, therefore, ordered that William G. English, within ten days from the date of my signature upon this Consent Agreement, shall pay through the Department of Insurance an administrative penalty in the total amount of \$250.00.

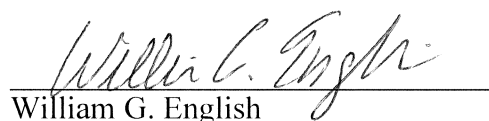
It is further ordered that a copy of this Consent Agreement should be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member regulators and that a copy be placed within Insurance Agent English's Department of Insurance licensing file.

This Consent Agreement becomes effective as of the date of my signature below.

August 29, 2000, at
Columbia, South Carolina


Ernst E. Csiszar
Director

I Consent:


William G. English
117 Applewood Lane
Spartanburg, South Carolina 29307
August 24, 2000